

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 7, 2007**

## DIVISION ONE

B196719 People (Not for Publication)  
v.  
Valentine Usochu

The judgment is affirmed.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.  
Jackson, J. (Assigned)

## DIVISION TWO

B196137      Moore      (Not for Publication)  
v.  
Sotheby's International Realty, Inc., et al.

The order denying Symons's petition to compel arbitration is reversed with respect to the cause of action for wrongful termination in violation of public policy. The order is affirmed in all other respects. The parties will bear their respective costs on appeal.

Chavez, J.

We concur:   Boren, P.J.  
                   Ashmann-Gerst, J.

November 7, 2007 (Continued)

## DIVISION TWO (continued)

[illegible]

The judgment is affirmed. Respondent is awarded his costs on appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

B187383	Iris Investors Limited Partnership et al. v. Frangie, et al.	(Not for Publication)
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The judgment is affirmed. Appellants shall pay the costs of appeal.

Chavez, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B189184 Corber (Not for Publication)  
v.  
Prenovost, Normandin, Berg & Dawe, et al.

The judgment is affirmed.

Chavez, J.

We concur:   Boren, P.J.  
                    Ashmann-Gerst, J.

## DIVISION TWO, (continued)

B190412 DeMille (Not for Publication)

V.  
Citizens Business Bank, as Trustee, etc.

The judgment is affirmed. Citizens and the beneficiaries shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

B197914 DCFS (Not for Publication)

V.  
Sonia A.

The order terminating mother's parental rights is affirmed.

Chavez, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

B193929 People (Not for Publication)

V.  
Cortez

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

## DIVISION TWO (continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

[illegible]

The orders under review are reversed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Chavez, J.

DIVISION THREE

B194204      Premchand      (Not for Publication)  
v.  
Sevco Diamond Co., Inc., et al.

The judgment is affirmed. Each party shall bear its own costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

November 7, 2007 (Continued)

DIVISION FOUR

B169300      People                                  (Certified for Partial Publication)  
v.  
Thomas

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B196883 People (Not for Publication)  
v.  
Gutierrez

The orders revoking probation and executing the previously suspended sentence are affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B192129      People                    (Not for Publication)  
v.  
Lizarraga

The order is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

## DIVISION FOUR (continued)

B190503 People (Not for Publication)

V.

# Raglin

The sentence is modified to a single term of life imprisonment without possibility of parole on count 1 (murder) and to vacate the parole revocation fine. The trial judge is directed to modify the abstract of judgment accordingly. In all other respects, the judgment of conviction and sentence are affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B196152 People (Not for Publication)

V.

Kelly III

The judgment is affirmed. The matter is remanded to the trial court to prepare a corrected abstract of judgment, omitting the gang enhancement and the three year term imposed by reason of the enhancement, and to forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

November 7, 2007 (Continued)

## DIVISION FOUR (continued)

B171870 People (Not for Publication)

v.  
Aguilar

The judgment is modified by staying the eight-month sentence for criminal threats; in all other respects the judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

B155456 People (Not for Publication)

V.  
Swain et al.

Defendant Stroud's case is reversed in part and remanded for resentencing in accordance with the Supreme Court decision in *Sandoval*; the judgment of the trial court is otherwise affirmed. Defendant Swain's case is affirmed in all respects.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

## DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D.Nolan, Deputy Clerk.

Each of the following:

B197811	In re Matthew M.; DCFS v. Yolanda M.
B198792	In re Denise Z. et al.; DCFS v. Carolyn Z.

DIVISION FIVE (continued)

Each of the following (continued):

B194058	Isip v. Mercedes-Benz USA LLC
B194159	People v. Rodriguez
B197524	People v. Collier
B195674	People v. Swan
B200997	People v. Anderson
B191859	People v. Patterson
B199652	In re Eugenia N. (DCFS v. Dianne N.)
B193515	People v. Cruz

Argument waived, cause submitted.

Each of the following:

B190428	Barton v. Khan
B195750	SEST Consult v. Wachovia Bank etc.

Continued to December 2007.

B194515	AV Light Foundation et al. v. San Juanita Garibay et al.,
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Merits:

Argued by Mike Pincher for appellant and by Jude G. Aoun for respondent.  
Cause submitted.

Court recessed.

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D. Nolan, Deputy Clerk.

DIVISION FIVE (continued)

B196772      Maria Guadalupe De Leon  
                 vs  
                 Andrew L. Ellis

Merits:

Argued by Matthew Krupnick for appellant and by John M. Inferrera for respondent. Cause submitted.

B197707      Craig Caldwell  
                 v.  
                 Edward M. Ross, as Trustee, et al.

Merits

Argued by David Eisen for appellant and by Dorothy Wolpert for respondents. Cause submitted.

Court recessed.

Court reconvenes at 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

B194790      Gayle Salter  
                 v.  
                 Sondra Zeldin et al.,

Merits:

Argued by Robert S. Altagen for appellant and by Karen Bray for respondents. Cause submitted.

DIVISION FIVE (continued)

B195356     People  
              v.  
              Christopher James Sloat

Merits:

Argued by Carol S. Boyk for appellant and by Steven Mercer, Deputy Attorney General for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

B196315     People v. Otero

Argument waived, cause submitter

B195252     Howard Mills et al.,  
              v.  
              Bellwood Laundry & Linen Supply et al.,

Merits

Argued by Kevin Lawton Wheeler for appellant and by David P. Schack for respondent. Cause submitted.

B184165     Hiram Ash  
              v.  
              The Hoag Company

Merits:

Argued by Robert Guevara for appellant and by Michael J. Strickroth for respondent. Cause submitted.

DIVISION FIVE (continued)

B196648      Blix Street Records, Inc.,  
                 v.  
                 Allen Gelbard et al.,

Merits:

Argued by Harvey R. Friedman for appellant and by Frederick D. Friedman  
for respondents. Cause submitted.

Court adjourned.

DIVISION SIX

B192544      In re Michael Montgomery      (Certified for Publication)  
                 on  
                 Habeas Corpus

The order granting Montgomery's petition for writ of habeas corpus is  
affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.

B196202      The People      (Certified for Publication)  
                 v.  
                 Williams

The judgment is affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.

November 7, 2007 (Continued)

DIVISION SIX (continued)

B197471      Gelsinger      (Not for Publication)

V.

Fuentes, et al.,

The judgment is affirmed. Respondents to recover costs on appeal.

Gilbert, P.J

We concur: .Yegan, J.

Coffee, J.

B192424 People

V.

Baquedano

Filed order denying petition for rehearing.

B194935 People

V.

Romo

Filed order denying petition for rehearing.

## DIVISION SEVEN

B191504 Sanders (Not for Publication)

V.

USC Medical Center

The judgment is affirmed. The County is to recover its costs on appeal.

Perluss, P.J.

We concur: Woods, J.

Zelon, J.

## DIVISION SEVEN (continued)

B193173 Chiba  
v.  
Greenwald

Filed order denying petition for rehearing. Johnson, J. would grant.

## DIVISION EIGHT

B189480 People (Not for Publication)  
v.  
Goforth,

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B187046 Gibson et al., (Not for Publication)  
v.  
City Of Los Angeles,

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B190634      Brawer  
v.  
Brawer, et al.

Filed order vacating submission order of August 28, 2007 to allow re-argument before a newly comprised panel.